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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,755	04/02/2004	Masao Takeshima	0505-1291PUS1	9963

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EXAMINER

MORROW, JASON S

ART UNIT PAPER NUMBER

3612

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/815,755	TAKESHIMA, MASAO	
	Examiner	Art Unit	
	Jason S. Morrow	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21,23,24 and 26-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21,23,24 and 26-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 13, 14, and 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawasaki (US Patent 4,619,476).

Regarding claims 1, 13, 21 and 24, Kawasaki discloses a structure of a storage section for a saddle-ridden type vehicle (1) comprising: a storage indent (15) indented downwardly from an opening (Fig. 3) provided on an inclined plane portion (12) of a fender (12) that covers a wheel (4); and a lid (18) that opens and closes the opening of the storage indent and is swingably provided on the inclined plane portion (12) of the fender, a peripheral indent (15f) that is shallower than the storage indent and formed at a periphery of the opening of the storage indent, and an opening and closing mechanism (24, 25, 22) disposed in the peripheral indent and on an inner side of an outer peripheral edge of the lid.. Regarding claims 2 and 14, Kawasaki discloses the structure of a storage section for a saddle-ridden type vehicle as disclosed in claim 1, wherein the storage indent is integrally molded with the fender (Fig. 3). Regarding claims 23 and 26, Kawasaki discloses the structure of a storage section for a saddle-ridden type vehicle according to claim 21, wherein the storage indent is applied to a front fender portion. The opening and closing mechanism comprises a support section for swingably supporting the lid on a lower side and a latching body (25), wherein one of the support section and the latching body is

provided on a front side of the opening and the other of the support section and the latching body is provided on a rear side of the opening (22). The lid is capable of being fitted into the peripheral indent so as to close the opening (as seen in figure 6). The lid has a latching body and a lid connection part for securing the lid storage container, the latching body (25) being disposed through a hole in the indent and forward of a front wall of the storage container.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-7, 15-19, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki (US Patent 4,619,476).

Regarding claims 3, 4, 15, 16 and 36, Kawasaki does not disclose the details of the container, however, Fig. 3 shows an indent around the edge of the periphery of the opening. Kawasaki does not disclose a seal on the lid (18). The Examiner takes Official Notice that it is well known to provide a space for a seal around a periphery of an opening and to mount the seal on the lid for the opening (Note that since applicant has not challenged this assertion, the limitation is now taken as admitted prior art). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a seal for the lid of the storage compartment of the saddle-ridden type vehicle of Kawasaki. The motivation would have been to allow storage

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of water and dirt sensitive items in the storage compartment while using the vehicle in the rain or off-road.

Regarding claims 5, 6, 17 and 18, Kawasaki as modified disclose a dividing wall portion along the periphery of the edge of the opening (15e, Fig. 3).

Regarding claims 7 and 19, Kawasaki as modified does not disclose that the storage container could be made of separate pieces. Kawasaki does disclose that the lid is supported on the fender. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the storage indent body a separate from the fender, since it has been held that constructing formerly integral structures in various elements only involves routine skill in the art.

5. Claims 12, 21, 23, 24, 26-35, and 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki in view of Lin (US Publication 2004/0026949) and Bettin (US Patent 6,533,339).

Kawasaki does not disclose a coupling arm.

Lin discloses a structure of a storage section for a vehicle with a storage indent and a lid covering the storage indent and a coupling arm for swingably mounting the lid.

Kawasaki and Lin are analogous art because they are from a similar problem solving area, i.e., providing storage with pivotal lids on motorized vehicles.

It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the lid of Kawasaki with a coupling arm.

The motivation would have been to pivotally mount the lid in a stable manner.

Kawasaki as modified do not disclose that the structure is mounted over the left front wheel.

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Bettin discloses a storage structure which is formed as part of the fender which is mounted over the left front wheel wherein the opening is directed rearward in the longitudinal direction of the vehicle.

Kawasaki as modified and Bettin are analogous art because they are from a similar problem solving area, i.e., providing storage on saddle-ridden type vehicles.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to mount the storage structure of Kawasaki as modified on a vehicle of Bettin as it would merely involve the alternate utilization of an equivalent storage means to achieve the same exact function.

Therefore, it would have been obvious to combine Bettin with Kawasaki to obtain the invention as specified in claims 12, 21, 23, and 24.

Regarding claims 27, 30 and 33, the arrangement of Kawasaki and Bettin would have the back portion lower than the front portion.

Regarding claims 28, 31 and 34, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the storage indent adopt an approximately rectangular shape and has a chamfered formed on a side front portion.

Regarding claims 29, 32 and 35, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the shape of the coupling J-shaped and to pass the coupling arms extend through penetrating holes formed a peripheral indent portion of the fender. The motivation would have been to use coupling arms that don't take up a lot of space and that don't use space in the storage indent.

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6. Claims 8-11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki in view of Lin (US Publication 2004/0026949) and Lemmen (US Patent 6,062,623).

Kawasaki does not disclose a coupling arm.

Lin discloses a structure of a storage section for a vehicle with a storage indent and a lid covering the storage indent and a coupling arm for swingably mounting the lid.

Kawasaki and Lin are analogous art because they are from a similar problem solving area, i.e., providing storage with pivotal lids on motorized vehicles.

It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the lid of Kawasaki with a coupling arm.

The motivation would have been to pivotally mount the lid in a stable manner.

Kawasaki as modified discloses the structure of a storage section for a saddle ridden type vehicle as disclosed in claims 3, 5 and 15. Kawasaki does not disclose that the lid includes a spring biasing the lid open (claims 10 and 11). Lemmen discloses a lid for an opening which includes a coupling arm portion (31) extending from the lid and a spring (90) biasing the lid open attached to the swing movement support portion (17) on the vehicle body portion. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a coupling arm portion and a spring bias to the lid mechanism of Kawasaki. The motivation would have been to allow the lid to be pivoted open and closed on the fender.

Response to Arguments

7. Applicant's arguments filed 1/18/06 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 1-21, 23, 24, and 26-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 2, 2006

Jason S. Morrow
Primary Examiner
Art Unit 3612


JASON MORROW
PRIMARY PATENT EXAMINER

4/2/06